

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HOLCOMBE, et. al,

Plaintiffs

vs.

UNITED STATES OF
AMERICA,

Defendant

NO. 5:18-CV-00555-XR
(consolidated cases)

**PLAINTIFFS' REPLY & SUPPLEMENTAL
BRIEF ON SETTLEMENT**

Today, the Government issued a press release announcing the settlement of the Emanuel Charleston Church mass-shooting case. That case presents nearly identical legal arguments to this case, alleging that the Government's negligent failure to administer the NICS system led to a prohibited person obtaining a firearm that was later used to commit a mass shooting in a church.

The Government's take on the Emanuel Charleston Church mass-shooting case is telling. It stated, "[f]or those killed in the shooting, the settlements range from \$6 million to \$7.5 million per claimant. For the survivors, the settlements are for \$5 million per claimant."¹ The Charleston settlement

¹ Dep't of Justice, Office of Public Affairs (Oct. 28, 2021), *available at* <https://www.justice.gov/opa/pr/justice-department-announces-multi-million-dollar-civil-settlement-principle-mother-emanuel>

involves 14 plaintiffs (nine deaths and five persons who were either injured or witnessed the shooting). *Id.* The Government settled all 14 claims for \$88 million.²

Unlike this case, the South Carolina case had *no* finding of liability against the Government, *nor any finding* of proportionate responsibility against the shooter. *See generally Sanders v. United States*, No. 2:16-cv-02356 (D.S.C. 2021) (emphasis added).

CONCLUSION

While the Plaintiffs disagree with the factually inaccurate arguments made in the Government's response, Plaintiffs offer this supplemental brief on newly developing information that supports its position in Plaintiffs' motion for mediation. Plaintiffs further request that the Court make note of this analogous situation.

Plaintiffs remain hopeful that the Government will change their position in this case and engage in meaningful settlement negotiations and—as expressed to Magistrate Judge Chestney—will be available at any moment to have those negotiations.

² Pete Williams, Justice Department reaches settlement with families of 2015 Charleston church massacre (Oct. 28, 2021), *available at* <https://www.nbcnews.com/politics/justice-department/families-charleston-church-shooting-settle-lawsuit-justice-department-n1282635>

Respectfully Submitted,

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CERTIFICATE OF SERVICE

By our signatures above, we certify that a copy of Plaintiffs' Reply & Supplemental Brief on Settlement has been sent to the following on October 28, 2021 via the Court's CM/ECF notice system.

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